

Article - Health - General

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§18–334.

(a) (1) In this section the following words have the meanings indicated.

(2) “HIV” means the human immunodeficiency virus that causes acquired immune deficiency syndrome.

(3) “Institution” means:

(i) An ambulatory surgical facility or center, as defined in § 19-114 of this article;

(ii) A health maintenance organization, as defined in § 19-701 of this article;

(iii) A hospital or related institution, as defined in § 19-301 of this article;

(iv) A tissue bank; or

(v) The office of 1 or more physicians.

(4) “Laboratory” means a public laboratory, medical laboratory, or medical test unit as those terms are defined in Title 17 of this article.

(5) “Physician” means a person licensed to practice under Title 14 of the Health Occupations Article.

(6) (i) “Tissue bank” means an establishment that obtains, stores, processes, distributes, or sells human blood or other human tissue for use in the human body.

(ii) “Tissue bank” includes a blood bank or sperm bank.

(b) (1) Subject to the provisions of paragraph (2) of this subsection, an institution that obtains or processes semen, blood, or tissue shall obtain and send a blood sample from each potential donor of semen, blood, or tissue to a laboratory approved by the Department to test for HIV antibodies.

(2) Before obtaining a blood sample from a potential semen, blood, or tissue donor the institution shall:

(i) Inform the potential donor, in layman's terms, that a blood sample of the donor will be tested for HIV antibodies and if the donor's blood sample tests positive for HIV antibodies the result will be reported to the Department; and

(ii) Obtain written consent from the potential donor on a form provided by the Department for the administration of the HIV antibody tests and for the disclosure of a positive test result to the Department.

(c) An institution that obtains a positive HIV antibody test result under subsection (b) of this section shall:

(1) Notify the potential donor from whom the blood sample was obtained of the positive result;

(2) Inform the individual of available counseling; and

(3) Report the result to the Department on the form the Department provides.

(d) A test result reported by an institution under subsection (c) of this section may not contain any information that identifies the subject of the test.

(e) An institution may not use a semen, blood, or tissue specimen from a donor with a positive HIV antibody test result obtained under the provisions of this section.

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